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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

SAN FRANCISCO TECHNOLOGY, INC.,)
Plaintiff,)
v.)
AERO PRODUCTS INTERNATIONAL)
INC., et al.,)
Defendants.)

[PROPOSED] ORDER
UNITED STATES DISTRICT COURT
MOTION FOR COURT TO
LEAVE TO INTRODUCE EVIDENCE
Date: December 1
Time: 9:00 a.m.
Ctrm: 3, 5th Floor

**[PROPOSED] ORDER GRANTING
UNITED STATES OF AMERICA'S
MOTION FOR CERTIFICATION AND
LEAVE TO INTERVENE**

Date: December 10, 2010**

Time: 9:00 a.m.

Ctrm: 3, 5th Floor

Hon. Jeremy Fogel

** Neither the Court's staff nor Defendants responded to queries about this date made on 11/4/10

The United States of America's motion for an order certifying a constitutional question to the Attorney General and for leave to intervene to defend the constitutionality of 35 U.S.C. § 292, having regularly come on for hearing before the Court, and having read and considered the papers submitted in support thereof and in opposition thereto, and the parties having been afforded the opportunity to be heard, and good cause appearing therefor, the Court grants the motion of the United States and orders as follows:

1. The Clerk shall send this order to the Attorney General, which hereby certifies pursuant to 28 U.S.C. § 2403 that the constitutionality of 35 U.S.C. § 292, a statute affecting the public interest, has been called into question.

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2. The United States' motion for leave to intervene in this matter is granted, and the Clerk shall caption the United States as "Intervenor" for all ministerial purposes and filing notices. In addition, the parties are ordered to serve all notices and any pleadings in this action, including appeal notices, upon the United States.

3. Intervenor the United States shall have twenty-one days following the entry of this order to file a brief defending the constitutionality of 35 U.S.C. § 292.

IT IS SO ORDERED.

DATED:

Hon. Jeremy Fogel
United States District Judge